

Article - Estates and Trusts

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§14.5–105.

The terms of a trust prevail over a provision of this title, except:

- (1) The requirements for creating a trust;
- (2) The duty of a trustee to act reasonably under the circumstances and in accordance with the terms and purposes of the trust and the interests of the beneficiaries;
- (3) The requirement that a trust and the terms of the trust be for the benefit of the beneficiaries of the trust and that the trust have a purpose that is lawful, not contrary to public policy, and possible to achieve;
- (4) The prohibition under § 14.5–306 of this title against a person serving as a representative of a beneficiary of a trust when that person is serving as a trustee of the same trust;
- (5) The power of the court to modify or terminate a trust under §§ 14.5–410, 14.5–411, 14.5–413, and 14.5–414 of this title;
- (6) The rights of certain creditors and assignees to reach a trust as provided in Subtitle 5 of this title;
- (7) The power of the court under § 14.5–702 of this title to require, dispense with, modify, or terminate a bond;
- (8) The subject matter jurisdiction and venue for commencing a proceeding as provided by the laws of this State;
- (9) The power of the court under § 14.5–708(a) of this title to increase or decrease the commissions of a trustee;
- (10) The duties to provide information, copies, and notices specified under § 14.5–813(a) and (c) of this title;
- (11) The duty under § 14.5–813(a) and (b) of this title to:

(i) Notify qualified beneficiaries of an irrevocable trust who have attained 25 years of age of the existence of the trust, the identity of the trustee, and their right to request trustee's reports and a copy of the trust; and

(ii) Respond to the request of a qualified beneficiary of an irrevocable trust for reports by the trustee and other information reasonably related to the administration of the trust;

(12) The effect of an exculpatory term under § 14.5–906 of this title;

(13) The rights under §§ 14.5–908 through 14.5–910 of this title of a person other than a trustee or beneficiary;

(14) The power of the court to take an action and exercise jurisdiction as may be necessary in the interests of justice; and

(15) Periods of limitation for bringing a judicial action.

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